

**MONTHLY MEETING OF BERKELEY COUNTY COUNCIL**  
**May 29, 2012**

The **Regular Monthly Meeting of Berkeley County Council** was held on Monday, **May 29, 2012**, at 6:41 p.m., in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina.

PRESENT: Mr. Daniel W. Davis, County Supervisor, Chairman; Mr. Steve C. Davis, Council Member District No. 8, Vice Chairman; Mr. Phillip Farley, Council Member District No. 1; Mr. Timothy J. Callanan, Council Member District No. 2; Mr. Robert O. Call, Jr., Council Member District No. 3; Mrs. Cathy S. Davis, Council Member District No. 4; Mr. Jack H. Schurlknight, Council Member District No. 6; Mr. Caldwell Pinckney, Jr., Council Member District No. 7; Ms. Nicole Scott Ewing, County Attorney; and Mrs. Patricia R. Dennis, County Council Office. Mr. Dennis L. Fish, Council Member District No. 5, was excused from this meeting.

**CALL TO ORDER**

Chairman Daniel Davis: "At this time, I'd like to call the Regular Monthly Meeting of Berkeley County Council to order. Mrs. Dennis, has this meeting been properly noticed."

Mrs. Dennis: "Yes, Mr. Chairman, this meeting does meet the requirements of the South Carolina Freedom of Information Act."

Chairman Daniel Davis: "Ok; thank you."

**APPROVAL OF MINUTES**

Chairman Daniel Davis: "The first order of business is the approval of minutes. We have Public Hearing minutes for Bill No. 12-02 of April 23, 2012, Regular Council Meeting minutes of April 23, 2012, and the Special Council Workshop Meeting of April 23, 2012. Are there any additions, deletions or corrections to these minutes? If not, I'll entertain a motion they be approved."

It was moved by Council Member Schurlknight and seconded by Council Member Steve Davis to **approve** the minutes as presented. The motion passed by unanimous voice vote of Council.

**PUBLIC DISCUSSION**

Public Discussion commenced at 6:42 p.m.

Chairman Daniel Davis: "As we do at each meeting, we have an opportunity for Public Discussion on items, agenda items, and so, at this time, I'll open the floor for comments on agenda items for this evening. And, as we did in the Public Hearing, we ask that your comments be limited to three minutes. Please come to the podium, and state your name and address for the record. I have Mr. Truman Metts."

Mr. Metts: "Good evening, Council. I'm Truman Metts. I live at 512 Division Street, Moncks Corner, South Carolina. I wish to speak about Item No. 6, Bill No. 20-12, Berkeley County Budget for 2012-2013, specifically, the line item for Stormwater Management MS-4. Unfortunately, I took my valuable time to attend what you call the Budget Workshop that most professionals who organize workshops would classify as very anemic and not worthy of the title, because of few or no details were discussed, including Stormwater Management. In addition, the workshop for Thursday night was cancelled. What's the old saying, '*The Devil is in the details*'. Because of Supervisor Davis' debacle of this program to include an effort to require a fee from the citizens in the unincorporated areas of the County last year in his manipulative leadership style, I decided to follow the permit, rather than follow the money. Tonight, ladies and gentlemen, you are witnessing the culmination of a personal investigation or sting on behalf of the citizens of Berkeley County that I'm calling Operation Stormwater Management Equals Polluted Politics. Based on two separate personal e-mails to Mr. Arturo Ovalles, Environmental Engineering Associate and author of the proposed new permit from DHEC in Columbia, the new permit will not be available until sometime 2013. I have known this since February of this year and confirmed it again late April of this year. Council, your and my concern should be did Berkeley County management know this? If not, why didn't you know it? If you knew it, was Council informed? Since we're operating under the old permit, which Supervisor Davis indicated to a letter to DHEC January of 2011 that we were in complete compliance and with no new requirements, what are the new task requirements and thus the whopping increase costs in the new budget? None of this information was made available to Council Members or the general public during the budget workshop. Is Supervisor Davis gonna ask for a fee again this Fall from the citizens in the unincorporated areas to cover the unjustified budget increase? In my opinion and of you voting in favor of this bill without more detail would be practicing waste, fraud and abuse. I have two suggestions; vote 'No' on the Second Reading on this bill tonight, and based on the questions that are still unanswered, you should demand another workshop where Council Members and Supervisor Davis and his staff can have open discussions about the aspect of any line item in the budget. Thank you very much."

Chairman Daniel Davis: "Thank you. Ms. Riney?"

Ms. Riney: "Good evening. My name is Linda Riney. I live at 2052 Highway 311 in Cross. I wanted to talk about the same bill Mr. Metts mentioned, and I go a step further. I have these documents, and one document outlines the fact that Berkeley County is, since January of 2011, in complete compliance with the Stormwater Management Permit. We are not waiting to do something else. We are in no danger of being sued or anything. We are in complete compliance for the last, almost, two years. And, according to this document, we cannot even hope to get the new permit until the Spring of 2013, and even then, just a draft version will be released, and it will be open to the public for comment again for the same thousands of comments from different people in the state that has held up the budget, I mean, the permit from

this year. Also, I have a document here that states – and this document is signed by Mr. Davis – one of them asking for the permit to be extended and a letter back from Ms. Clark saying, yes, it will be extended and that Berkeley County is in complete compliance. Now, why do we need to budget \$600,000 plus into this budget, which is almost doubling the budget from last year, when for years, we complied with all these requirements for an average of \$75,000 a year. We don't need to pay like this budget is calling for, \$400,000, for a consultant for this year to consult about what? What we've already done? Because, we're in total compliance. This, I'm afraid, I really hesitate to put it like this, but there's no other way to put it. This is a cash cow for somebody. Money is being hidden in these budgets, and all you have to do is read the documents to see. It's just as plain as the nose on your face. Something dishonest is going on here. Thank you very much. Oh, I will give a Member of the Clerk's Office a copy of this if any of the Councilmen care enough to want to read the documents."

Chairman Daniel Davis: "Thank you. Mr. Bates?"

Mr. Bates: "Good evening. I want to speak about the – my name is Bill Bates, 132 Harrow Place, Goose Creek. I want to speak about the same item, Item No. 6; however, a little bit different slant on this. It has nothing to do with Stormwater Management. I want to commend the Council for the fact that we can go on line and look at the Council Meetings and the proceedings and so forth. Unfortunately, on the 22<sup>nd</sup>, the meeting for the 22<sup>nd</sup>, because of a personal illness, I was not able to attend that meeting. So, I went on line to go look at that meeting, and I realized it says workshop in there, but it's billed as a Council Meeting, so I went on line to look at the proceedings. Low and behold, there's no proceedings, so I'm a little disappointed that you didn't follow through on that part as far as your openness and allowing the public to see what goes on. Thank you."

Chairman Daniel Davis: "Thank you."

## **EXECUTIVE SESSION – none**

## **CHAIRMAN OF COUNTY COUNCIL**

## **REPORTS FROM STANDING COMMITTEES**

### **Committee on Finance**

#### **Council Member, Mr. Jack H. Schurlknight, Chairman**

Chairman Schurlknight: "Mr. Chairman, the Committee on Finance met earlier this night, and all matters will be addressed further on this night's agenda."

*(That concluded Chairman Schurlknight's report.)*

**Committee on Land Use**  
**Council Member, Mr. Phillip Farley, Chairman**

Chairman Farley: “Mr. Chairman, the Committee on Land Use met on May 14<sup>th</sup>.”

**Request for Rezoning by Meredith W. Bunch**

Chairman Farley: “On recommendation of the Committee, I move to **deny** the request by Meredith W. Bunch, located between Edgebrook Drive and 1236 College Park Road, Summerville, TMS #222-15-00-071, (2.38 ± acres), from RNC, Rural Neighborhood Commercial District, to GC, General Commercial District.” *(No second required.)*

The motion to **deny** passed by unanimous voice vote of Council.

*(That concluded Chairman Farley’s report.)*

**Committee on Public Works and Purchasing**  
**Council Member, Mr. Caldwell Pinckney, Jr., Chairman**

Chairman Pinckney: “Mr. Chairman, the Committee on Public Works and Purchasing met on May 14<sup>th</sup>.”

**a. Sole Source Purchase for Back-Scanning and Index Conversion Project Register of Deeds**

Chairman Pinckney: “On recommendation of the Committee, I move to **award** the sole source purchase for the Register of Deeds’ Back-Scanning and Index Conversion Project to ACS/Affiliated Computer Services.” *(No second required.)*

The motion passed by unanimous voice vote of Council.

**b. Savannah Creek Elevated Storage Tank Painting Berkeley County Water and Sanitation**

Chairman Pinckney: “Also, Mr. Chairman, on recommendation of the Committee, I move to **award** the contract for Berkeley County Water and Sanitation’s Savannah Creek elevated storage tank painting to Southeastern Tank and Tower, in the amount of \$135,840.00.” *(No second required.)*

The motion passed by unanimous voice vote of Council.

**c. PS 001 Modernization Preliminary Engineering Report Berkeley County Water and Sanitation**

Chairman Pinckney: “On recommendation of the Committee, I move to **award** the professional services contract for the Berkeley County Water and Sanitation’s PS 001 Modernization Preliminary Engineering Report to Weston & Sampson, in the amount of \$129,300.00.” (*No second required.*)

The motion passed by unanimous voice vote of Council.

**d. St. Stephen 2010 Waterline Renovations  
Berkeley County Water and Sanitation**

Chairman Pinckney: “On recommendation of the Committee, I move to **award** the contract for the Berkeley County Water and Sanitation’s St. Stephen 2010 waterline renovations to L.W. Incorporated, in the amount of \$486,690.00.” (*No second required.*)

The motion passed by unanimous voice vote of Council.

*(That concluded Chairman Pinckney’s report.*

**Committee on Justice and Public Safety  
Council Member, Steve C. Davis, Chairman**

Chairman Steve Davis: “Mr. Chairman, the Committee on Justice and Public Safety met on May 14<sup>th</sup>.”

**a. County Bond Coverage for Sheriff’s Deputies**

Chairman Steve Davis: “On recommendation of the Committee, I move to **approve** the inclusion of Sheriff’s Department Deputies under the commercial blanket bond policy for Berkeley County.” (*No second required.*)

The motion passed by unanimous voice vote of Council.

**b. Grant Award Utilization Approval – Emergency Preparedness**

Chairman Steve Davis: “Further, on recommendation of the Committee, I move to **approve** the utilization of two grant funds awarded to Emergency Preparedness, as follows: a State Homeland Security Program (SHSP) Grant, in the amount of \$8,694.00 for the CERT Program; and a Local Emergency Management Planning (LEMP) Grant, in the amount of \$7,410.00.” (*No second required.*)

The motion passed by unanimous voice vote of Council.

*(That concluded Chairman Davis’ report.)*

**Committee on Water and Sanitation**  
**Council Member, Mr. Robert O. Call, Jr., Chairman**

Chairman Call: “Mr. Chairman, the Committee on Water and Sanitation met May 14<sup>th</sup>.”

**a. Waste Collection Services for Berkeley County Franchise and Sangaree Special Tax District – Berkeley County Water and Sanitation**

Chairman Call: “On recommendation of the Committee, I move to **award** the contracts for waste collection services in the Berkeley County Franchise Area and Sangaree Special Tax District to Fennell Container, at the costs of \$21.30 per quarter for trash services, \$7.50 per quarter for recycling services, and \$42,079.30 per month for Sangaree.” *(No second required.)*

The motion passed by unanimous voice vote of Council.

**b. Solid Waste Management Plan Update  
Berkeley County Water and Sanitation**

Chairman Call: “Mr. Chairman, on recommendation of the Committee, I move to **approve** the Berkeley County Solid Waste Management Plan Update of March 19, 2012.” *(No second required.)*

The motion passed by unanimous voice vote of Council.

*(That concluded Chairman Call’s report.)*

**Committee on Planning and Development**  
**Council Member, Mrs. Cathy S. Davis, Chairman**

Chairman Cathy Davis: “No report, Mr. Chairman.”

**Committee on Community Services**  
**Council Member, Mr. Timothy J. Callanan, Chairman**

Chairman Callanan: “No report, Mr. Chairman.”

**Committee on Human Services**  
**Council Member, Mr. Dennis L. Fish, Chairman**

Acting Chairman Farley: “Mr. Chairman, I am doing Mr. Fish’s. The Committee on Human Services met on May 14<sup>th</sup>. One item was addressed on that night’s agenda. The remaining item will be addressed on this night’s agenda.”

*(That concluded Chairman Fish’s report.)*

### THIRD READING

**“BILL NO. 12-01, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #103-00-02-004.”**  
*(Charlie O. Howard, II, for Marshal Manigault, Jr.)*

It was moved by Council Member Steve Davis and seconded by Council Member Schurlknight to **approve** Bill No. 12-01 for Third Reading. The motion passed by majority voice vote of Council. Council Members Callanan, Cathy Davis and Farley voted, “Nay.” (A copy of Ordinance No. 12-05-10 is attached to these minutes.)

**BILL NO. 12-04**, an ordinance to modify the Official Zoning and Development Standards Map of Berkeley County, South Carolina, in regard to a reclassification of approved uses for **TMS #267-00-00-074**.  
*(Berenyi Civil Engineering, LLC, for Dolphin Properties, LLC)*

Chairman Daniel Davis: “As I stated earlier, we’re gonna **delay Bill No. 12-04** for a future date.”

**“BILL NO. 12-05, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #049-00-02-018.”**  
*(Sharon Greene)*

It was moved by Council Member Steve Davis and seconded by Council Member Pinckney to **approve** Bill No. 12-05 for Third Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 12-05-11 is attached to these minutes.)

**“BILL NO. 12-06, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #244-15-07-005.”**  
*(Brenda Fishburne)*

It was moved by Council Member Farley and seconded by Council Member Steve Davis to **approve** Bill No. 12-06 for Third Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 12-05-12 is attached to these minutes.)

**“BILL NO. 12-07, AN ORDINANCE AMENDING ORDINANCE NO. 96-06-23, WHICH DESIGNATED THE ERNEST F. KENNEDY CENTER, INC., AS THE SOLE AGENCY IN THE COUNTY FOR ALCOHOL AND DRUG ABUSE PLANNING PROGRAMS FUNDED BY CERTAIN REVENUES, SO AS TO PROVIDE A PROCEDURE FOR SELECTION AND APPOINTMENT OF THE CENTER’S BOARD MEMBERS; AND OTHER MATTERS RELATED THERETO.”**

It was moved by Council Member Steve Davis and seconded by Council Member Pinckney to **approve** Bill No. 12-07 for Third Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 12-05-13 is attached to these minutes.)

*Berkeley County Council Rules allow all bills to be given Second Reading by one motion as a collective group. Any member may object to a particular bill, and it shall be separated from the collective group and handled by a separate motion.*

## **SECOND READING**

Chairman Daniel Davis: "We have seven bills for Second Reading. Unless we have objection, I'll go through these, and we'll vote them all at one time. Bill No. 12-08..."

Council Member Callanan: "Mr. Chairman, object."

Chairman Daniel Davis: "Was there an objection?"

Council Member Callanan: "Yeah."

Chairman Daniel Davis: "Ok."

Council Member Callanan: "I just wanted to pull out the County Budget."

Council Member Steve Davis: "Number 6, I guess, Number 7."

Chairman Daniel Davis: "It would be Number 6."

Council Member Steve Davis: "Number 6?"

Council Member Farley: "Number 6."

Council Member Steve Davis: "Sorry."

**"BILL NO. 12-08, AN ORDINANCE PROVIDING FOR THE FISCAL YEAR BEGINNING JULY 1, 2012 AND ENDING JUNE 30, 2013 FOR THE DEVON FOREST SPECIAL TAX DISTRICT OPERATIONAL BUDGET; AND TO PROVIDE FOR THE EXPENDITURES OF THE REVENUES RECEIVED BY THE DEVON FOREST SPECIAL TAX DISTRICT DURING THE FISCAL YEAR."**

**"BILL NO. 12-09, AN ORDINANCE PROVIDING FOR THE FISCAL YEAR BEGINNING JULY 1, 2012 AND ENDING JUNE 30, 2013 FOR THE PIMLICO SPECIAL TAX DISTRICT OPERATIONAL BUDGET; AND TO PROVIDE FOR THE EXPENDITURES OF THE REVENUES RECEIVED BY THE PIMLICO SPECIAL TAX DISTRICT DURING THE FISCAL YEAR."**



**“BILL NO. 12-10, AN ORDINANCE PROVIDING FOR THE FISCAL YEAR BEGINNING JULY 1, 2012 AND ENDING JUNE 30, 2013 FOR THE SANGAREE SPECIAL TAX DISTRICT OPERATIONAL BUDGET; AND TO PROVIDE FOR THE EXPENDITURES OF THE REVENUES RECEIVED BY THE SANGAREE SPECIAL TAX DISTRICT DURING THE FISCAL YEAR.”**

**“BILL NO. 12-11, AN ORDINANCE PROVIDING FOR THE FISCAL YEAR BEGINNING JULY 1, 2012 AND ENDING JUNE 30, 2013 FOR THE TALL PINES SPECIAL TAX DISTRICT OPERATIONAL BUDGET; AND TO PROVIDE FOR THE EXPENDITURES OF THE REVENUES RECEIVED BY THE TALL PINES SPECIAL TAX DISTRICT DURING THE FISCAL YEAR.”**

**“BILL NO. 12-12, AN ORDINANCE PROVIDING FOR THE FISCAL YEAR BEGINNING JULY 1, 2012 AND ENDING JUNE 30, 2013 FOR THE OPERATIONAL BUDGET OF THE BERKELEY COUNTY SPECIAL FIRE TAX DISTRICT WITHIN THE UNINCORPORATED PORTIONS OF BERKELEY COUNTY; AND TO PROVIDE FOR THE EXPENDITURES OF THE REVENUES RECEIVED BY THE SPECIAL FIRE TAX DISTRICT DURING THE FISCAL YEAR.”**

**“BILL NO. 12-14, AN ORDINANCE TO AMEND ORDINANCE NO. 11-06-17, ADOPTED JUNE 27, 2011 TO PROVIDE FOR SUPPLEMENTAL APPROPRIATIONS AND ALLOCATIONS THEREOF WITHIN THE 2011-2012 BUDGET FOR BERKELEY COUNTY; AND OTHER MATTERS RELATING THERETO.”**

It was moved by Council Member Pinckney and seconded by Council Member Steve Davis to **approve** Bill Nos. 12-08, 12-09, 12-10, 12-11, 12-12 and 12-14 for Second Reading. The motion passed by unanimous voice vote of Council.

**“BILL NO. 12-13, AN ORDINANCE PROVIDING APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2012 AND ENDING JUNE 30, 2013 FOR BERKELEY COUNTY; TO PROVIDE FOR LEVY OF TAXES ON ALL TAXABLE PROPERTY IN BERKELEY COUNTY FOR ALL COUNTY PURPOSES; TO PROVIDE FOR THE EXPENDITURES OF SAID TAXES AND OTHER REVENUES COMING INTO THE COUNTY FOR THE FISCAL YEAR; AND TO AMEND THE CODE OF ORDINANCES, BERKELEY COUNTY, SOUTH CAROLINA, SETTING RATES, CHARGES AND PENALTIES FOR WATER AND SEWER AND SOLID WASTE SERVICE BY BERKELEY COUNTY WATER AND SANITATION.”**

It was moved by Council Member Schurilknight and seconded by Council Member Steve Davis to **approve** Bill No. 12-13 for Second Reading.

Chairman Daniel Davis: “Motion and second; any discussion?”

Council Member Callanan: “Yes, Mr. Chairman?”

Chairman Daniel Davis: “Mr. Callanan.”

Council Member Callanan: “Yeah, I just – to address the questions that came up about the stormwater. I don’t know if Frank’s here, but what accounts for the increase and just where is the revenue coming to fund it?”

Chairman Daniel Davis: “Mr. Carson? Well, I can answer the second question. There is – there are no revenues, as Council disapproved the fee last year. There are no revenues to pay for the expenses of the program, so it will begin to incur a liability just as Cypress Gardens did for years. So, it now is in a deficit and will continue until dollars – until some funding mechanism is approved.”

Council Member Callanan: “Ok; and then, I’m going to amend my question to ask, if we are currently in compliance and under the old permit, why are we spending money – why are we spending money now and not waiting for the new permit to come out next year?”

Mr. Frank Carson, County Engineer: “Because, we’re still under a permit, and the permit is an iterate permit, which requires that you make continuing progress, based on the requirements of that permit. So, this year, for example, we began our Outfall Inventory Program, so that’s why – and we began that in the second quarter of the year.”

Council Member Callanan: “Isn’t that a requirement of the new permit?”

Mr. Carson: “It’s a requirement of the old permit. The new permit is – we’re talking about the outfall, so if you will, the end of the pipe. The new permit talks about inventorying your entire system, but again, the permit, the original permit is a five-year permit. So, each year, you’re expected to make certain milestones, if you will, and the way we were able to do our permit or our plan under that permit, if you will, was to put those off as far, as long as we could into the future. So, we’re in the fifth year of the permit, and all those chickens come home to roost, if you will. The new permit has additional requirements. We expect them to – part of why DHEC is waiting on that permit is EPA’s final rule, which will tie a lot of those down. But, under the old permit, those things like inventory that a lot of other entities have been doing for the past three years or so, we’re just now getting into that expense.”

Council Member Callanan: “And, I mean, just out of curiosity, when we came out onto this permit, so we were in complete compliance last year, but what we’re saying now is that because we back-waited all of our work on this, we’re not gonna be in compliance this year unless we increase our budget by 70 percent. Is that what you are saying?”

Mr. Carson: “Unless you accomplish the work that’s in there, you won’t be in compliance.”

Council Member Callanan: “Ok; and so, the – I read somewhere that Goose Creek is, for the education part, they had mentioned the Ashley Cooper thing. That’s a new permit requirement. Am I correct on that?”

Mr. Carson: “No, the public involvement, public education, public participation as a requirement under the old permit and the new permit. So, some entities elected to join the consortium. Berkeley County was a member of the consortium. Hanahan was a member of the consortium. Goose Creek chose not to be. They’ve chosen now to let the consortium handle that element for them. You can do it without being a member of the consortium, but then you have to do that work on your own.”

Council Member Callanan: “Right; and so, the – how much are we – we instituted a, like a planned fee, and you gotta help me with the language here. There was something that we instituted either last year or about 18 months ago. I think we did it. It was more on the developers’ side of things to offset the expenditures of the Stormwater Management Fee.”

Mr. Carson: “We’ve had plan review fees and inspection fees in effect now for about three years, at least three years.”

Council Member Callanan: “But, what was the thing we recently adjusted? I mean, we – I can’t – I mean, it’s been three years now. Well, time flies, I guess.”

Mr. Carson: “We’ve had plan review fees and inspection fees, essentially, under the new permit. We didn’t establish the rates and so forth, because we were doing the work...”

Council Member Callanan: “Oh, I’m sorry. We established the rates for them.”

Mr. Carson: “We established the fees, because...”

Council Member Callanan: “Recently, right.”

Mr. Carson: “And, that’s been two or three years ago, I believe.”

Council Member Callanan: “Ok; so, we established the fee, I mean, the permit or whatever you’re requiring, but we never instituted the rates, am I...”

Mr. Carson: “Right.”

Council Member Callanan: “Ok; but, we’ve since instituted the rates, correct?”

Mr. Carson: “That’s correct.”

Council Member Callanan: “How much are we collecting on those on an annual basis?”

Mr. Carson: “Off the top of my head, I’m gonna say it’s \$40,000.00 to \$50,000.00 is what we project for this year.”

Council Member Callanan: “Ok; and, then the – so what was our – our budget last year was what, three hundred some – hold on, let me – I have it right here – was \$382,000.00. Is that correct? Oh, no; I’m sorry; yeah, \$382,000.00 in the original budget?”

Mr. Carson: "That sounds right. I don't..."

Council Member Callanan: "Did we adjust that when we didn't institute the fee?"

Mr. Carson: "No."

Council Member Callanan: "Ok; and, the prior year was maybe \$70,000.00, correct?"

Mr. Carson: "Again, that sounds correct. I don't have the figures with me."

Council Member Callanan: "Ok; so, \$70,000.00 is the original number, so now we're 300, 500, now we're 800,000 we're spending implementing the Stormwater Management Program in the whole?"

Mr. Carson: "Yes, again, because you have different tasks to do in each of those years of the permit. You're not doing the same thing in year one through five. All that's spelt out in the plan that was done with the original permit. So, we, thinking that's the prudent thing to do, want to put those costly tasks off as long as we can. This is as long as we can put them off."

Council Member Callanan: "Ok; because the way I was understanding when we were debating this last year, and the reason why I voted against it was simply because we were making a budget increase based on the assumption that we'd be getting a new permit. And, my attitude was that when DHEC gives me a new permit, you know, we can come up with the funding mechanism to pay for the new requirements. What I'm hearing now is different from what I understood, which is saying that our costs tripled last year and are going to go up 60 percent this year – I'm sorry, they've quadrupled last year and gonna go up 60 percent this year based on our old requirements, not our new requirements. Is that accurate? Is that what you are saying?"

Mr. Carson: "What we explained is we were given – there are two things. There was the budget for this fiscal year, the 300 whatever, 300,000 plus. The budget was passed, so as we said, we didn't change that budget. Those were the projections – the projected needs for spending for the budget as the program existed. And, the next element was after the budget's passed, we come in for the stormwater management fee, the utility fee, to establish a fee to fund that for that budget year and for the following budget year. The following budget year's based on, at that time, what we were told, went to schedule it that time for having the new permit, ok? So, the new permit is put off to some date in the future, whenever DHEC drafts the permit, whenever they put it out for public notice, but we're still working under that old permit, which has new requirements every year that we make progress toward getting all the outfalls mapped, to getting all those attributes for those outfalls. All of that work still has to be done, and that's what was explained at the various meetings. If you recall, we had a couple Public Hearings..."

Council Member Callanan: "Right."

Mr. Carson: "...we had. Mr. Fersner came here a couple times and explained that we will still be under a permit, and we will still have all those tasks to perform, and so, that's the

basis of it. We, you know, as I said, we started in the second quarter or actually, I guess, it would have been the third quarter of this fiscal year doing the inventory. So that's essentially a-half year of work. We're gonna have a full year of work next fiscal year."

Council Member Callanan: "But, my point was that, I think, when this was being sold to us last year, you know, everything is like well, we're under, we're gonna be under a new permit, and our requirements are going to exponentially increase, which is going to cause our expenses to exponentially increase, and, you know, but what I'm hearing now is it's kind of different than that. It's just saying that under the old permit they're going to increase anyway."

Mr. Carson: "Under the new permit, what we said was you could expect expenses of 1.4 million dollars a year. That's not what we proposed for next year, because it's not gonna be the requirements of the new permit. So, it's a linear increase, rather than an exponential increase, if you will..."

Council Member Callanan: "Sure."

Mr. Carson: "...because we're not under the new permit. The requirements are still greater."

Council Member Callanan: "Right; and what I said last year and what I'll say again this year is that when the new permit arrives and those expenses go up exponentially, you know, it would not be fair for the incorporated areas to be double-feed on them, and so, you know, I wouldn't mind supporting them at that time, but at the moment, I just, you know, I'm having trouble to rectify what I'm hearing now with what I heard last year. So, I guess, I got a little bit of clarification on it. On the financing part, if this was budgeted based on an assumption that we were going to have a fee implemented, and then that fee was not implemented, and we went ahead and did the work anyway, where did that money come from? Yeah, that's probably more..."

Chairman Daniel Davis: "It's a, it's a liability as I explained."

Ms. Kace Smith, Finance Director and Deputy Supervisor: "That fund is running a deficit."

Council Member Callanan: "Ok, so, I mean, it's a liability on our book, but we paid these – we've paid these people, so where did the money come from?"

Ms. Smith: "Well, it's similar – think about..."

Council Member Callanan: "Fund Balance?"

Ms. Smith: "Excuse me?"

Council Member Callanan: "Like, the Fund Balance? I mean..."

Ms. Smith: "It's just a due to/due from. So, the fund is running a deficit. The fund has borrowed cash from the General Fund..."

Council Member Callanan: "Ok."

Ms. Smith: "...similar to what Cypress Gardens did when we inherited Cypress Gardens, and we didn't have sufficient funds for that. Remember, that fund ran a deficit."

Council Member Callanan: "Correct, right; so, what we're talking about is really the budget wasn't really balanced."

Ms. Smith: "Certainly, the budget was certainly balanced, but we didn't – the Council did not vote to put in the Stormwater Fees, so they provided – there was no funding source provided for the expenditures that we incurred."

Council Member Callanan: "Right, so we had more expenditures than we did revenues to pay for it?"

Ms. Smith: "Yes."

Council Member Callanan: "Ok; so it's not balanced; thank you."

Council Member Cathy Davis: "Mr. Chairman?"

Chairman Daniel Davis: "Mrs. Davis."

Council Member Cathy Davis: "I've got a couple of questions. This is probably for Kace."

Ms. Smith: "Ok."

Council Member Cathy Davis: "I noticed that the Professional Services – Special Contracts is a lot more in a lot of departments this year than it was last year. Is there a reason for that?"

Ms. Smith: "No; if you have one in particular that you could give me, I could look into – get you the detail."

Council Member Cathy Davis: "I think one of them was Economic Development."

Ms. Smith: "Ok; I will get you the detail of..."

Council Member Cathy Davis: "Ok; and..."

Ms. Smith: "...what was budgeted in fiscal '12 and fiscal year '13."

Council Member Cathy Davis: "Ok; and I can send you the other ones."

Ms. Smith: "Ok; that would be fine."

Council Member Cathy Davis: "And also, Trident Tech – is the funding for Trident Tech in this budget?"

Ms. Smith: "No; there is no funding for Trident Tech. As you may remember, Council funded Trident Tech from the excess of the Mount Holly funds, and that funding source is no longer available."

Council Member Cathy Davis: "Wasn't that supposed to come from General Fund, from the Fund Balance?"

Ms. Smith: "Well, we typically don't budget from our Fund Balance. No, we did not budget from carryover funds. It was in the discussion when we were discussing the Mount Holly funds."

Council Member Callanan: "Mr. Chairman? Are you done? I'm sorry."

Council Member Cathy Davis: "Yeah, go ahead."

Council Member Callanan: "Mr. Chairman?"

Chairman Daniel Davis: "Mr. Callanan."

Council Member Callanan: "Ok; that's not accurate what you just said, and I'm willing to go back before the next meeting and actually bring out the transcripts and the recording of it, because I'm the one who made the motion on that. The specific request was that funding of the Trident Tech, not on an annual basis, but how we were gonna pay for it that particular year was asked when I made the amendment to the budget. And, my response was from the Fund Balance. So, to say that the Council ever voted to take money from Mount Holly to pay for that is inaccurate. We simply said from the Fund Balance. That was ya'lls decision to take it from, from Mount Holly. That's the first thing, and the second thing was, you know, I had requested, I think, at the following meeting, which I will get, because we never truly put into writing a resolution, what have you, to fund that. The response I got from the attorney, and I'm paraphrasing, and I will get the recording, was don't worry, we're just looking at it, we are committed to that project, which to me says that we will – the project means the completion of the project. It doesn't mean that we cut off funding after we agreed to fund it after a couple of years. And so, I disagree with that assertion that it came from, you know, that it was our decision to come from Mount Holly. I think this, I think this Council, or at least the ones who voted for it, and I think it was unanimous, was understanding that we were, we were funding the construction of that building, not simply an allocation for one year. Thank you."

Council Member Schurlknight: "Mr. Chairman?"

Chairman Daniel Davis: "Mr. Schurlknight."

Council Member Schurlknight: "Mr. Chairman, I would like to make sure that Councilman Callanan gets that information on that, because I distinctly remember during that discussion when it was passed, Mount Holly was being discussed and also the school district was being discussed and monies for education. And, if I remember correctly, Councilman Callanan made the comment that at least it's going to education, referring to the Mount Holly money going to Trident Tech. So, I would encourage him to pull that, and let's just take a look at it. Thank you."

Council Member Callanan: "You're talking about the following year, not..."

Chairman Daniel Davis: "Mr. Callanan..."

Council Member Callanan: "...the first year."

Chairman Daniel Davis: "Do you want to be recognized?"

Council Member Callanan: "Sure; that's – I made my statement. That's fine."

Chairman Daniel Davis: "And, I think that I don't – to be honest with you, I don't remember it as you do, so I think the record does need to be examined, and we find out what the motion was, but..."

Council Member Farley: "Mr. Chairman?"

Chairman Daniel Davis: "...recollection was that we voted on the allocation each of the last two years, but no firm commitment as to how we were gonna pay for it going forward, and ..."

Council Member Farley: "Mr. Chairman?"

Chairman Daniel Davis: "...I think, I recommended that we might need to do is adjust the millage for Trident Tech so that it has a funding mechanism, because the Multi-County Park money was not going to be there for right on and right on."

Council Member Farley: "Mr. Chairman, I think..."

Chairman Daniel Davis: "Mr. Farley."

Council Member Farley: "Mr. Steve Davis made that motion last year for the – to pay them. Is that correct, Mr. Davis?"

Council Member Steve Davis: "Yeah, I made a motion to make sure that Trident Tech..."



Council Member Farley: "That's right."

Council Member Steve Davis: "...would be funded."

Council Member Farley: "Ok."

Chairman Daniel Davis: "We'll get the record, so that everybody's made aware of just how it proceeded."

Council Member Schurlknight: "Ok."

Chairman Daniel Davis: "Any other questions or discussion?"

Council Member Cathy Davis: "Yes, Mr. Chairman, one more."

Chairman Daniel Davis: "Mrs. Davis."

Council Member Cathy Davis: "Does this budget include any pay raises or COLA increases for employees?"

Chairman Daniel Davis: "It does not. What it does, it has funding for the implementation of the Compensation Plan as we discussed earlier."

Ms. Smith: "For a partial implementation, this was as we talked about last week. It's got Phase I, Phase II and a partial portion of Phase III. And, I believe, Council was sent a list of the dollar amounts for Phase I, Phase II and Phase III in an e-mail earlier in the month of May from HR."

Chairman Daniel Davis: "Any other questions?"

Council Member Farley: "That was the e-mail with all the funny names on it?"

Ms. Smith: "It was a chart..."

Council Member Farley: "Right."

Ms. Smith: "...I believe, that had all the..."

Council Member Farley: "Right."

Ms. Smith: "...department names on it, and..."

Council Member Farley: "Ok."

Ms. Smith: "...and three or four columns on it."

Council Member Farley: "Ok; thank you."

Chairman Daniel Davis: "Did we get a motion? Yeah, we did get a motion..."

Council Member Steve Davis: "Yeah, yeah, you can call for the vote."

Chairman Daniel Davis: "...and a second. Any other discussion? Hearing none..."

Council Member Callanan: "Yeah, Mr. Chairman? I would like to just make an amendment to..."

Chairman Daniel Davis: "Mr. Callanan, go ahead."

Council Member Callanan: "...to the budget; to want to – actually, two amendments. First amendment is to continue funding the Trident Tech obligation."

Council Member Farley: "I'll second that."

Chairman Daniel Davis: "We have a motion and a second. Could you identify a funding source?"

Council Member Callanan: "Yeah, and I'll say it as I said it before, which is in absence of us coming up with a permanent solution, which I liked to have seen, I will – we have a bloated Fund Balance right now. I would recommend that we use the Fund Balance for this year, and we come up with a solution, permanently, next year's budget."

Council Member Schurlknight: "Mr. Chairman?"

Chairman Daniel Davis: "Kace..."

Council Member Schurlknight: "Yes, Sir."

Ms. Smith: "Excuse me; what would be the dollar amount that you would..."

Council Member Callanan: "What's their, what's their request. I mean, what's our obligation? We have an obligation."

Council Member Farley: "Five eighty seven, something like that."

Ms. Smith: "No, Sir; I don't believe so. That was – they accepted about \$340,000 the first year, and 588, but Mr. Davis, is it – are they asking for 7,000,000 now."

Chairman Daniel Davis: "I believe what they're looking for is the balance of the seven and a half million dollars, because they do not have financing for the construction of..."

Council Member Callanan: "Ok; I'll tell you what."

Chairman Daniel Davis: "...the building."

Council Member Callanan: "I'll withdraw that and wait til the next meeting on that particular amendment."

Council Member Farley: "I'll withdraw my second."

Council Member Callanan: "The second amendment is that, again, that we are not using – that we use the 29 – the Local Options Sales Tax is refunded 100 percent back to the taxpayer as a tax credit, and 29 percent is not used for this Capital Improvement Fund, with the exception of \$500,000 towards Jedburg."

Council Member Schurlknight: "Mr. Chairman?"

Chairman Daniel Davis: "We have a motion. Is there a second?"

Council Member Cathy Davis: "Second."

Chairman Daniel Davis: "Is there a second?"

Council Member Cathy Davis: "Second."

Chairman Daniel Davis: "Motion and second on the amendment. Any discussion?"

Council Member Schurlknight: "Mr. Chairman?"

Chairman Daniel Davis: "Mr. Schurlknight."

Council Member Schurlknight: "Kace, do you have a listing of the stuff that the 29 percent is going towards..."

Ms. Smith: "I do."

Council Member Schurlknight: "...in this budget?"

Ms. Smith: "I certainly do. Just give me a few minutes."

Council Member Schurlknight: "And, also our – whatever else we might have in the future coming down for the 29."

Ms. Smith: "Yes; what we had recommended was that the 29 percent would bring in about 2.8 million. The \$500,000 that Mr. Callanan just referred to was certainly our commitment to the assessment district. Additional monies that were budgeted was \$321,000, that's the remaining portion to renovate the St. Stephen's Library and Magistrate's Office. As you may remember, this was brought to Council back in January. In addition to that, we have a

commitment to complete the 911 Tower by January 1, 2013. We need an additional \$537,000, and that's budgeted in these dollars. In addition, we are recommending some new equipment, \$143,000 for our Maintenance Garage and Roads and Bridges; replacement vehicles of \$488,000; replacement of equipment, \$352,000; video conferencing, \$8,000; AccessPro upgrade for our Real Property Services of \$80,000; computer equipment – we've got a rather large piece of equipment that is outdated that will no longer be supported next fiscal year, and we've given \$300,000, or we are requesting to give \$300,000 to the IT Department for that."

Council Member Schurlknight: "Ok; and..."

Ms. Smith: "I just – I wanted to make sure that Council also realizes you've got complete detail of all these expenditures with all these amounts in your budget book. So, when I mentioned the replacement vehicles, you've got a complete list of which departments we're recommending we have replacement vehicles and which vehicles we want to replace in itself."

Council Member Schurlknight: "Right, exactly, and thank you for that. And, Kace, normally, the funding source for these capital improvements, they were coming from lease purchase?"

Ms. Smith: "Well..."

Council Member Schurlknight: "Is that correct?"

Ms. Smith: "Several years ago, we did pay them for out of lease purchase. That is correct."

Council Member Schurlknight: "And now, I think our lease purchase is paid off?"

Ms. Smith: "We have no lease purchase for fiscal year 1213. Our last payment is this current fiscal year."

Council Member Schurlknight: "And normally, annually, how much was that payment for lease purchase? I know, if you can give me just a rough – kind of put things in perspective."

Ms. Smith: "Probably \$500,000 to \$600,000."

Council Member Schurlknight: "Annually."

Ms. Smith: "So we would, back in the day, we would pay for equipment. For a vehicle, we'd buy a vehicle and pay for it over four years. Way back in the day, we bought computers and paid for them over four years."

Council Member Schurlknight: "So, back in the day, all this stuff that you list, it would be safe to say that it would have been lease purchased, and on top of that, all the interest and driving our debt service right back up to where we're trying to get it down, manageable."

Ms. Smith: "And, those funds would have come out of the General Fund, as well."

Council Member Schurlknight: "Right; exactly; and also, Council, I will be bringing to my Committee a request for about \$300,000 of the Capital Improvements Fund for the Sheriff's Department for deputy sheriff cars, in order to replace them. We've got to get them in a rotation to get those cars replaced, so that's another item there. Again, I'm in full support of paying cash and pay as we go, and we'll keep it down on debt service. Thank you."

Council Member Callanan: "Mr. Chairman?"

Chairman Daniel Davis: "Mr. Callanan."

Council Member Callanan: "And, we had a \$3,000,000 surplus dropped into our Fund Balance, ballooning our Fund Balance to, I believe, 24 percent. Our auditor, who for whatever reason wouldn't tell me during the meeting, but told me after the meeting, said that anything above 20 percent, he's not comfortable with. So, my recommendation, if you are looking for a way to pay for it, you can pay for it, you can pay for it out of those excess funds we collected last year, because we are currently at the level of Fund Balance where we're stockpiling, which is, in my opinion, bad fiscal management. So, we have plenty of funds that we can pay, we can pay for those, those equipment. No one's saying not to purchase it, I'm just saying, don't use peoples' tax credit money to pay for them."

Council Member Schurlknight: "Mr. Chairman?"

Chairman Daniel Davis: "If I can just make a comment."

Council Member Schurlknight: "Go ahead."

Chairman Daniel Davis: "But, we've continually updated you on issues that we need to deal with, such as GASBY 45. There are a number of liabilities that we have out there that we are going to have to fund, and that may very well be a good use of those surplus, those extra dollars in our Fund Balance. But, our auditors have repeatedly noticed us in the audit that we've got to deal with those liability issues. So, and I think that's certainly something that Council needs to look at, and we intend to take a comprehensive look at all of that. Mr. Schurlknight."

Ms. Smith: "And, just a reminder, GASBY 45 was one of the items, the funding of GASBY 45 was one of the items that the auditors noted in their management representation letter to us last year."

Council Member Schurlknight: "I just want to make the comment that I'm just not real comfortable depending on non-reoccurring funds to defund our Capital Improvement Program. It's anybody's guess what's this next year or two is going to be ahead of us. Those funds could be down. And, again, the Sheriff Department's 300,000 is only a drop in the bucket what they need for their replacements. Thank you."

Chairman Daniel Davis: “Alright, Mr. Callanan, would you – you’re not gonna make the first motion. You’re gonna handle that another time, but the second motion...”

Council Member Callanan: “I made it, and it’s been seconded, right.”

Council Member Steve Davis: “Call for the vote.”

Chairman Daniel Davis: “Any other discussion?”

There was no further discussion.

### **Main Motion**

It was moved by Council Member Schurlknight and seconded by Council Member Steve Davis to **approve** Bill No. 12-13 for Second Reading.

### **First Amendment to Main Motion**

The first amendment to the main motion, moved by Council Member Callanan and seconded by Council Member Farley to continue funding the Trident Technical College obligation was withdrawn by Council Member Callanan. Council Member Farley withdrew his second.

### **Second Amendment to Main Motion**

It was moved by Council Member Callanan and seconded by Council Member Cathy Davis to **amend** Bill No. 12-13, in order for 100 percent of the Local Options Sales Tax to be refunded back to taxpayers as a tax credit, with 29 percent not to be used for the Capital Improvement Fund, with the exception of \$500,000 towards the Jedburg Interchange. The motion to **amend failed** to pass by voice vote and a show of hands. Council Members Farley, Call, Schurlknight, Pinckney and Steve Davis voted, “Nay.”

### **Main Motion with No Amendments**

It was moved by Council Member Schurlknight and seconded by Council Member Steve Davis to **approve** Bill No. 12-13 for Second Reading. The motion passed by majority voice vote and a show of hands by Council. Council Members Farley, Callanan and Cathy Davis voted, “Nay.”

*Bills for First Reading are not discussed or voted upon. The bills are read into the record by title only and, thereafter, sent to the proper Committee for further consideration. There were seven Bills for First Reading.*

## **FIRST READING**

**“BILL NO. 12-15, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #142-14-00-011.”**

*(Brandy Patterson)*

**“BILL NO. 12-16, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #157-00-00-003.”**

*(Mead Westvaco Camp Hall, LLC)*

## **RESOLUTIONS**

**“RESOLUTION PROVIDING FOR THE TRANSFER OF FUNDS IN THE 2011-2012 BERKELEY COUNTY BUDGET FOR COUNTY PURPOSES OTHER THAN AS SPECIFIED IN SAID BUDGET.”**

It was moved by Council Member Farley and seconded by Council Member Call to **approve** the resolution providing for a transfer of funds. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. 12-14 is attached to these minutes.)

## **NOMINATIONS FOR MEMBERSHIP ON BOARDS AND COMMISSIONS**

Chairman Daniel Davis: “We have an opportunity for any appointments or nominations to boards.”

Council Member Schurlknight: “Mr. Chairman?”

Chairman Daniel Davis: “I’d like to re-appoint Ms. Gwen Lewis to the Library Board, representing District 6.”

Chairman Daniel Davis: “Gwen Lewis?”

Council Member Schurlknight: “Yes.”

Chairman Daniel Davis: “Ok; are there any others?”

Council Member Callanan: “Mr. Chairman, I’d like to re-appoint Pat Richards to the Library Board, representing District 2.”

Chairman Daniel Davis: “Any others?”

Council Member Farley: “I’d like to recommend for the Goose Creek Recreation Jerry Glass.

It was moved by Council Member Schurlknight and seconded by Council Member Callanan to **approve** the re-appointments of Ms. Gwen Lewis and Dr. Patricia Richards to the Library Board, and Jerry Glass to the Goose Creek Recreation Commission. The motion passed by unanimous voice vote of Council.

**CORRESPONDENCE** – none

**UNFINISHED BUSINESS** – none

**NEW BUSINESS** – none

## **ANNOUNCEMENTS**

The June 2012 Regular Meeting of Berkeley County Council will be held on **Monday, June 25, 2012**, immediately following Public Hearings and any scheduled Committee Meetings at 6:00 p.m., in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, SC.

## **ADJOURNMENT**

It was moved by Council Member Schurlknight and seconded by Council Member Farley to **adjourn** the Regular Meeting of Council. The motion passed by unanimous voice vote of Council.

Meeting adjourned at 7:33 p.m., for the execution of documents by Council.

**PUBLIC DISCUSSION** – none

---

Catherine Windham  
Interim Clerk to Council

June 25, 2012  
Date Approved